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FM AMEMBASSY HARARE
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5079
INFO RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE
RUEHAR/AMEMBASSY ACCRA 3129
RUEHDS/AMEMBASSY ADDIS ABABA 3241
RUEHRL/AMEMBASSY BERLIN 1668
RUEHBY/AMEMBASSY CANBERRA 2502
RUEHDK/AMEMBASSY DAKAR 2871
RUEHKM/AMEMBASSY KAMPALA 3289
RUEHNR/AMEMBASSY NAIROBI 5737
RUEAIIA/CIA WASHDC
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RHEFDIA/DIA WASHDC
RUEHGV/USMISSION GENEVA 2421
RHEHAAA/NSC WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 HARARE 000862

SIPDIS

AF/S FOR B. WALCH
DRL FOR N. WILETT
ADDIS ABABA FOR USAU
ADDIS ABABA FOR ACSS
STATE PASS TO USAID FOR J. HARMON AND L. DOBBINS
STATE PASS TO NSC FOR SENIOR AFRICA DIRECTOR MICHELLE GAVIN

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [ASEC](#) [ZI](#)
SUBJECT: MDC PUSHES FOR REFORM IN ZIMBABWE'S PARLIAMENT

REF: HARARE 679

Classified By: Charge d'Affaires, a.i. Katherine S. Dhanani for reason
1.4 (b).

SUMMARY

11. (SBU) The MDC-T caucus in Parliament intends to introduce draft legislation over the next several weeks to amend several acts that have been used by the State to suppress individual and press freedoms. The MDC-T will first target the Public Order and Security Act (POSA), before addressing the Access to Information and Protection of Privacy Act (AIPPA), the Broadcasting Services Act (BSA), and Section 121 of the Criminal Procedures and Evidence Act. Due to the MDC-T's diminished presence in Parliament and a likely veto by President Mugabe, it is unlikely that the amendments will pass. END SUMMARY.

MDC-T Goes on Offensive in Parliament

12. (C) The MDC-T is moving forward with plans to introduce into Parliament legislation that would amend the Public Order and Security Act (POSA), which has been abused by the State to stifle public dissent. Israel Chilimanzi, the legislative program advisor of the Southern Africa Parliamentary Support Trust (SAPST), told poloff on October 28 that his organization had been working with MDC-T Chief Whip Innocent Gonese to draft an amended POSA, which it planned to submit to the House of Assembly as a "Private Members' Bill" for debate. (NOTE: The parliamentary convention)- but not requirement -- has been for ministers to initiate legislation in Cabinet, put it to a parliamentary vote, and then have the president sign it into law. An oft-cited reason why legislation is rarely initiated by Parliament is that individual MPs must bear the associated printing costs. END NOTE.)

¶3. (C) Gonese will be the introducing member and will give notice of the amendment to the Office of the Speaker of Parliament next week. Once notified, the Speaker's Office will add it to Parliament's "order papers" and the proposed legislation will begin the legislative process. Chilimanzi could not estimate how long that process might take, as it would have to go through parliamentary debate in both the House of Assembly and Senate, be reviewed by the relevant portfolio committee and the Legal Committee, and then be presented to President Mugabe for his assent.

"Born to Fail" Legislation

¶4. (C) Chilimanzi candidly anticipated that the POSA Amendment would fail due to insufficient support in Parliament. He said that the MDC-T was merely trying to highlight the need for legislative reform to protect civil rights. He suspected that due to the whittling down of the MDC-T's majority in Parliament (reftel) it would not have enough votes to pass. Even if it did, Mugabe would assuredly veto it.

¶5. (SBU) Despite the likely rejection of the POSA Amendment, Q5. (SBU) Despite the likely rejection of the POSA Amendment, the MDC-T also plans to introduce similar private bills which will attempt to reform the Access to Information and Protection of Privacy Act (AIPPA), the Broadcasting Services Act (BSA), and Section 121 of the Criminal Procedures and

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Evidence Act. Chilimanzi commented that these legislative efforts would likely suffer the same fates as an attempt to deal with POSA. (NOTE: AIPPA has been used to suppress media freedoms and harass independent journalists, the BSA gives the government extensive control over radio and television broadcasters, and Section 121 is an oft-invoked statute that allows prosecutors to hold defendants in jail for an additional seven days after bail has been granted. END NOTE.)

COMMENT

¶6. (C) We are encouraged that the MDC-T is attempting to flex its muscles in Parliament, albeit after its advantage in Parliament has been eroded by a mix of criminal convictions and party expulsions. Even if these amendments eventually fail, the debate will highlight Mugabe's rejection of democratic reform to his African neighbors and the international community. Additionally, private members' bills will signal that Parliament is prepared to assume a more vigorous legislative role and will no longer be the executive branch's rubber stamp. END COMMENT.

DHANANI